



Miami-Dade Legislative Item

File Number: 121688

File Number: 121688	File Type: Resolution	Status: Adopted
Version: 0	Reference: R-657-12	Control: Board of County Commissioners
File Name: MAYORAL VACANCY		Introduced: 8/24/2012
Requester: NONE	Cost:	Final Action: 8/23/2012
Agenda Date: 8/23/2012		Agenda Item Number: 10A8ALTERNATE2

Notes: THIS IS FINAL VERSION AS ADOPTED. ALSO SEE 121498.

Title: RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY, TO PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF AND TO TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS (SEE ORIGINAL ITEM UNDER FILE NO. 121498)

Indexes: CHARTER AMENDMENT

Sponsors: Sally A. Heyman ,Prime Sponsor

Sunset Provision: No

Effective Date:

Expiration Date:

Registered Lobbyist: None Listed

LEGISLATIVE HISTORY

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	ReturnedPass/Fail
County Attorney	8/24/2012		Assigned	Jess M. McCarty		
Board of County Commissioners	8/23/2012	10A8 ALTERNATE No. 2 AMENDED	Adopted as amended			P

REPORT: It was moved by Commissioner Heyman that the foregoing proposed resolution be adopted as amended to add language that would temporarily transfer certain Mayoral powers if the County Mayor was incapacitated, and to remove language that would prohibit the person filling the temporary vacancy from being elected Mayor. This motion was seconded by Commissioner Jordan, and upon being put to a vote, passed by a vote of 11-0 (Commissioner Suarez and Chairman Martinez were absent). The amended version of this resolution was assigned Resolution No. R-657-12.

LEGISLATIVE TEXT

TITLE

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY, TO PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF AND TO TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS

BODY

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. A countywide special election is hereby called and shall be held in Miami Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

CHARTER AMENDMENT

RELATED TO OPTION FOR FILLING MAYORAL OR COUNTY COMMISSIONER VACANCY

SHALL THE CHARTER BE AMENDED TO:

* EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY FROM 45 TO 90 DAYS FROM THE DECISION TO CALL SUCH ELECTION AND PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF;

* TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY OR INCAPACITY, CERTAIN MAYORAL POWERS TO THE COMMISSION CHAIRPERSON VICE CHAIRPERSON OR COMMISSIONER CHOSEN BY THE BOARD?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

OTHER

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-11

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.07. VACANCIES.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than [[45]] >>90<< days thereafter to fill the vacancy. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than [[45]] >>90<< days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

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ARTICLE-2

MAYOR

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>>Section 2.03. TEMPORARY TRANSFER OF MAYORAL POWERS AND RESPONSIBILITIES UPON A VACANCY OR INCAPACITY IN THE OFFICE OF MAYOR.

Upon a vacancy or incapacity in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter or the Mayor is no longer incapacitated, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such

supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission. If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in a commissioner chosen by a majority of those Board members present. The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. The Board shall by ordinance establish a definition of incapacity in the Office of Mayor for purposes of this Section.<<

1Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.